APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,155	07/11/2001	Daisuke Nakano	0033-0734P	6927

		EXAMINER
2292 7590 02/08/2005		GHULAMALI, QUTBUDDIN

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ART UNIT	PAPER NUMBER
2637	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/889,155	NAKANO ET AL.
	Examiner	Art Unit	
	Qutub Ghulamali	2637	.·

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11 July 2001*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,2,7-10 and 13-16* is/are rejected.

7) ☒ Claim(s) *3-6,11,12 and 17* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *7/11/2001*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2.   Claims 1, 2, 7-10, 13, 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding:

claim 1, the addition of the word "kinds" in lines 6, 8 and 12 respectively,

claim 2 the addition of the word "kinds" in line 2,

claim 7, the addition of the word "kinds" in line 6,

claim 8, the addition of the word "kinds" in line 2,

claim 9, the addition of the word "kinds" in line 3,

claim 10, the addition of the word "kinds" in line 3,

claim 13, the addition of the word "kinds" in line 6,

claim 15, the addition of the word "kinds" in line 2,

claim 16, the addition of the word "kinds" in line 3, to an otherwise definite expression extends the scope of the expression so as to render them indefinite. Ex parte Copenhaver, 109 USPQ 118 (Bd. App. 1955).

3.   Claims 1, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Claim 1 recites the limitation "said bit string" and "said smaller number of bits" in line 11.

There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

applicant's admitted prior art in view of Walker et al (US Patent 6,147,963).

The prior art discloses (figs. 1, 4), a transmission method for transmitting on a serial

transmission path a data code encoded by superimposing a clock signal (page 6, lines 2-5), on

data to be transmitted for decoding comprising the steps of:

inspecting said bit string in groups of said smaller number of bits (8 bits to 10 bits in 8B10B

(110)), and thereby determining whether one of said multiple control codes is present in the

serial signal (406) received on said serial transmission path or not (page 6, lines;

selecting the control code to be sent based on a result of the determination in said determining

step (page 6, lines 31-33);

sending onto said serial transmission path, the bit string containing at least said control code to be sent based on the result of the determination in said determining step (page 7, lines 1-5). The admitted prior art however, does not explicitly disclose receiving the data code by inspecting said bit string in groups of bits of said fixed length in response to the detection of the control code indicating the start of transmission of the data from the opposite side in said determining step. In the same field of endeavor, Walker discloses (figs, 2, 4) receiving the data code by inspecting said bit string in groups of bits of said fixed length in response to the detection of the control code indicating the start of transmission of the data from the opposite side in said determining step (col. 9, lines 20-28, 41-57; col. 11, lines 15-33). It would have been obvious to one skilled in the art at the time the invention was made to use code words as control codes to receive the data codes indicating transmission of data packets from the opposite side as taught by Walker with the admitted prior art because it can maximize the flow of data transmission between communication units.

Allowable Subject Matter

6.   Claims 3-6, 11-12, 17 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

7.   Claims 2, 8-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8.   Claim 13 and dependent claims 14-16 would be allowable if rewritten or amended to

overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

US Patents:

LaFollette et al (US Patent 6,038,234) discloses a method and apparatus for early arbitration in a

full duplex bus system.

Suemura et al (US Patent 5,887,039) shows data transmission system for reliable synchronization

pattern detection and transmission error.

Cheng (US Patent 5,189,671) discloses an apparatus and method for formatting variable length

data packets for transmission.

Hauck et al (US Patent 6,356,558) shows an arbitration technique for high speed serial bus.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Qutub Ghulamali whose telephone number is (571) 272-3014.

The examiner can normally be reached on Monday-Friday from 8:00AM - 5:00PM.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.
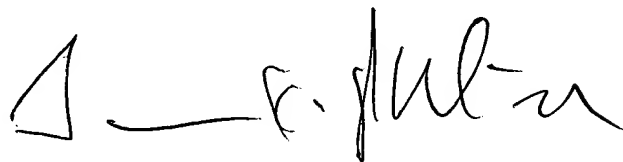
Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QG.
February 4, 2005.

JAY K. PATEL
SUPERVISORY PATENT EXAMINER